

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEPHANIE O'CONNOR, )  
Plaintiff, ) 3:11-cv-0915-LRH-VPC  
v. )  
NATIONAL DEFAULT SERVICING )  
CORPORATION; et al., )  
Defendants. )  
\_\_\_\_\_  
)

Before the court is defendant BankUnited, FSB's ("BankUnited") motion to dismiss. Doc. #27.<sup>1</sup> Pro se plaintiff Stephanie O'Connor ("O'Connor") filed an opposition (Doc. #33) to which BankUnited replied (Doc. #37).

**I. Facts and Procedural History**

In April 2005, O'Connor purchased real property through a mortgage note and deed of trust executed by BankUnited. O'Connor defaulted on the property and defendants initiated non-judicial foreclosure proceedings.

Subsequently, O'Connor filed a complaint against defendants alleging four causes of action: (1) preliminary injunction; (2) quiet title; (3) wrongful foreclosure; and (4) defamation. Doc. #1, Exhibit 2. Thereafter, defendant BankUnited filed the present motion to dismiss. Doc. #27.

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<sup>1</sup> Refers to the court's docket entry number.

## II. Discussion

The court has reviewed O'Connor's complaint and finds that it fails to sufficiently allege a single cause of action upon which relief can be granted. In her complaint, O'Connor merely sets out the base elements of her claims but fails to allege how defendants acted, and how defendants' actions violated the elements of the claims she puts forth. Specifically, O'Connor fails to allege what statements made by defendants were defamatory in nature, how defendants do not have standing to initiate the underlying foreclosure, how and in what manner defendants misrepresented themselves in pursuing the underlying foreclosure, what adverse interest the defendants have in the underlying property, and in what way defendants acted in violation of Nevada law. Therefore, the court shall grant BankUnited's motion to dismiss. However, because O'Connor is presenting her claims pro se, the court shall grant her leave to file an amended complaint that sets out specific allegations which support her stated causes of action.

IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #27) is GRANTED. Plaintiff's complaint (Doc. #1, Exhibit 2) is DISMISSED in its entirety.

IT IS FURTHER ORDERED that plaintiff Stephanie O'Connor shall have thirty (30) days from entry of this order to file an amended complaint.

DATED this 30th day of May, 2012.

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**LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE**